

Notice of Allowability

Application No.

09/816,413

Applicant(s)

MENNINGER ET AL.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication received 9/1/2005.
2. ☒ The allowed claim(s) is/are 1-3,6-9,12-15 and 18-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9/1/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification, page 254, line 27, "**d2900** (see Figure **d29**)" was changed to **-12900** (see Figure **129**)--.

In claim 6, line 1, "claim 4" was changed to --claim 1--.

In claim 12, line 1, "claim 10" was changed to --claim 7--.

In claim 18, line 1, "claim 16" was changed to --claim 13--.

In claim 19, line 1, "claim 4" was changed to --claim 1--.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art, Shavit et al. (US 4,799,156), teach a supply chain management system including a computer receiving data from a plurality of independent outlets relating to an amount of goods sold; forecasting activity in the supply chain; and generating alerts when there are deviations.

Regarding independent claim 1: Shavit et al. lack the specific teaching of the data comprising amount of goods sold manually at store locations by the point of sale outlets; the computer of an independent supply chain manager checking the data for errors and identifying errors including at least one of point of sale set-up error, point of sale entry error, back office error, polling error and datum item mapping error; logging the errors in a log; correcting the data; transmitting the log to at least one of the outlets; tracking data against forecasted sales; and the independent supply chain manager computer generating an alert if a deviation between the data and the forecasted sales exceeds a threshold.

Regarding independent claim 7: Shavit et al. lack the specific teaching of a processor of an independent supply chain manager having therein logic for receiving data comprising amount of goods sold manually at store locations by the point of sale outlets; the processor of the independent supply chain manager having therein logic for checking the data for errors and logic for identifying errors including at least one of point of sale set-up error, point of sale entry error, back office error, polling error and datum item mapping error; logging the errors in a log; the processor of the independent supply chain manager having therein logic for correcting the data; logic for transmitting the log to at least one of the outlets; logic for tracking data against forecasted sales; and the processor of the independent supply chain manager having therein logic for generating an alert if a deviation between the data and the forecasted sales exceeds a threshold.

Regarding independent claim 13: Shavit et al. lack the specific teaching of a computer usable medium having computer readable code embodied therein including:

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computer code for receiving data comprising amount of goods sold manually at store locations by the point of sale outlets; computer code for checking the data for errors and computer code for identifying errors including at least one of point of sale set-up error, point of sale entry error, back office error, polling error and datum item mapping error, and logging the errors in a log; computer code for correcting the data; computer code for transmitting the log to at least one of the outlets; computer code for tracking data against forecasted sales; and computer code for generating an alert if a deviation between the data and the forecasted sales exceeds a threshold.

The elements lacking in the prior art, in combination with the other limitations clearly claimed in the application for patent, are novel and unobvious.

The foreign prior art, WO97/17663, was cited for teaching the general state of the art including a system for facilitating the purchasing of products using a software-implemented computer system located near a trade facilitating hub.

The non-patent literature by Stephanie Stahl in INFORMATIONWEEK was cited to teach the applicant's own system used in 1994 including a computer system for an independent supply chain manager that receives supplier and distributor inventory data.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. Zeender
Primary Examiner
November 10, 2005

 11/10/05
F. RYAN ZEENDER
PRIMARY EXAMINER